

BEFORE THE
BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Accusation Against:

Carrie Lauterbach
2308 Via Platillo Road
Carlsbad, CA 92009

Registered Nurse License No. 554919

Respondent

Case No. 2007-264

DECISION AND ORDER

The attached Stipulated Settlement and Disciplinary Order is hereby adopted by the Board of Registered Nursing, Department of Consumer Affairs, as it's Decision in the above entitled matter.

This Decision shall become effective on October 29, 2007.

IT IS SO ORDERED September 28, 2007.



President
Board of Registered Nursing
Department of Consumer Affairs
State of California

1 EDMUND G. BROWN JR., Attorney General
of the State of California
2 ALFREDO TERRAZAS
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10 **BEFORE THE**
BOARD OF REGISTERED NURSING
11 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

12 In the Matter of the Accusation Against:

Case No. 2007-264

13 CARRIE IRENE LAUTERBACH
2308 Via Platillo Street
14 Hayward, CA 92009

**STIPULATED SURRENDER OF
LICENSE AND ORDER**

15 Registered Nurse license No. 554919

16 Respondent.
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20 IT IS HEREBY STIPULATED AND AGREED by and between the parties in this
21 proceeding that the following matters are true:

22 PARTIES

23 1. Ruth Ann Terry, M.P.H., R.N. (Complainant) is the Executive Officer of
24 the Board of Registered Nursing. She brought this action solely in her official capacity and is
25 represented in this matter by Edmund G. Brown Jr., Attorney General of the State of California,
26 by Linda K. Schneider, Supervising Deputy Attorney General.

27 2. Carrie Irene Lauterbach (Respondent) is representing herself in this
28 proceeding and has chosen not to exercise her right to be represented by counsel.

1 3. On or about May 11, 1999, the Board of Registered Nursing issued
2 Registered Nurse license No. 554919 to Carrie Irene Lauterbach (Respondent). The Registered
3 Nurse license expired on October 31, 2006, and has not been renewed.

4 JURISDICTION

5 4. Accusation No. 2007-264 was filed before the Board of Registered
6 Nursing (Board), Department of Consumer Affairs, and is currently pending against Respondent.
7 The Accusation and all other statutorily required documents were properly served on Respondent
8 on April 17, 2007. Respondent timely filed her Notice of Defense contesting the Accusation. A
9 copy of Accusation No. 2007-264 is attached as exhibit A and incorporated herein by reference.

10 ADVISEMENT AND WAIVERS

11 5. Respondent has carefully read, and understands the charges and allegations
12 in Accusation No. 2007-264. Respondent also has carefully read, and fully understands the
13 effects of this Stipulated Surrender of License and Order.

14 6. Respondent is fully aware of her legal rights in this matter, including the
15 right to a hearing on the charges and allegations in the Accusation; the right to be represented by
16 counsel, at her own expense; the right to confront and cross-examine the witnesses against her;
17 the right to present evidence and to testify on her own behalf; the right to the issuance of
18 subpoenas to compel the attendance of witnesses and the production of documents; the right to
19 reconsideration and court review of an adverse decision; and all other rights accorded by the
20 California Administrative Procedure Act and other applicable laws.

21 7. Respondent voluntarily, knowingly, and intelligently waives and gives up
22 each and every right set forth above.

23 CULPABILITY

24 8. Respondent understands that by signing this stipulation she enables the
25 Board to issue an order accepting the surrender of her Nursing without further process.

26 CONTINGENCY

27 9. This stipulation shall be subject to approval by the Board of Registered
28 Nursing. Respondent understands and agrees that counsel for Complainant and the staff of the

1 Board of Registered Nursing may communicate directly with the Board regarding this stipulation
2 and surrender, without notice to or participation by Respondent. By signing the stipulation,
3 Respondent understands and agrees that she may not withdraw her agreement or seek to rescind
4 the stipulation prior to the time the Board considers and acts upon it. If the Board fails to adopt
5 this stipulation as its Decision and Order, the Stipulated Surrender and Disciplinary Order shall
6 be of no force or effect, except for this paragraph, it shall be inadmissible in any legal action
7 between the parties, and the Board shall not be disqualified from further action by having
8 considered this matter.

9 OTHER MATTERS

10 10. The parties understand and agree that facsimile copies of this Stipulated
11 Surrender of License and Order, including facsimile signatures thereto, shall have the same force
12 and effect as the originals.

13 11. The Board has incurred costs in connection with the investigation and
14 prosecution of the Accusation in the amount of Twelve Thousand Three Hundred Forty Three
15 Dollars (\$12,343.00).

16 12. In consideration of the foregoing admissions and stipulations, the parties
17 agree that the (Board) may, without further notice or formal proceeding, issue and enter the
18 following Order:

19 ORDER

20 IT IS HEREBY ORDERED that Registered Nurse license No. 554919, issued to
21 Respondent Carrie Irene Lauterbach, is surrendered and accepted by the Board of Registered
22 Nursing.

23 11. The surrender of Respondent's Registered Nurse license and the
24 acceptance of the surrendered license by the Board shall constitute the imposition of discipline
25 against Respondent. This stipulation constitutes a record of the discipline and shall become a
26 part of Respondent's license history with the Board.

27 12. Respondent shall lose all rights and privileges as a registered nurse in
28 California as of the effective date of the Board's Decision and Order.

1 13. Respondent shall cause to be delivered to the Board both her Registered
2 Nurse and pocket license certificates on or before the effective date of the Decision and
3 Order.

4 14. Respondent fully understands and agrees that if she ever files an
5 application for licensure or a petition for reinstatement in the State of California, the Board shall
6 treat it as a petition for reinstatement. Respondent must comply with all the laws, regulations
7 and procedures for reinstatement of a revoked license in effect at the time the petition is filed,
8 and all of the charges and allegations contained in Accusation No. 2007-264 shall be deemed to
9 be true, correct and admitted by Respondent when the Board determines whether to grant or deny
10 the petition.

11 15. Upon reinstatement of the license, Respondent shall pay to the Board costs
12 associated with its investigation and enforcement pursuant to Business and Professions Code
13 section 125.3 in the amount of Twelve Thousand Three Hundred Forty Three Dollars
14 (\$12,343.00). Respondent shall be permitted to pay these costs in a payment plan approved by
15 the Board.

16 16. Should Respondent ever apply or reapply for a new license or certification,
17 or petition for reinstatement of a license, by any other health care licensing agency in the State of
18 California, all of the charges and allegations contained in Accusation No. 2007-264 shall be
19 deemed to be true, correct, and admitted by Respondent for the purpose of any Statement of
20 Issues or any other proceeding seeking to deny or restrict licensure.

21 17. Respondent shall not apply for licensure or petition for reinstatement for
22 two (2) years from the effective date of the Board of Registered Nursing's Decision and Order.

23 18. Respondent shall pay the Board its costs of investigation and enforcement
24 in the amount of \$1,000.00 prior to issuance of a new or reinstated license.

25
26 ACCEPTANCE

27 I have carefully read the Stipulated Surrender of License and Order. I understand
28 the stipulation and the effect it will have on my Registered Nurse license. I enter into this

1 Stipulated Surrender of License and Order voluntarily, knowingly, and intelligently, and agree to
2 be bound by the Decision and Order of the Board of Registered Nursing.

3 DATED: June 16, 2007

Carrie Irene Lauterbach
Carrie Irene Lauterbach
Respondent

6 ENDORSEMENT

7 The foregoing Stipulated Surrender of License and Order is hereby respectfully
8 submitted for consideration by the Board of Registered Nursing of the Department of Consumer
9 Affairs.

11 DATED: July 12, 2007

12 EDMUND G. BROWN JR., Attorney General
of the State of California

13 ALFREDO TERRAZAS
14 Senior Assistant Attorney General

16 Sherry Ledakis, for
17 Linda K. Schneider
18 Supervising Deputy Attorney General

19 Attorneys for Complainant

20 DOJ Matter ID: SD2005800178
21 80137560.wpd

Exhibit A
Accusation No. 2007-264

1 EDMUND G. BROWN JR., Attorney General
of the State of California
2 LINDA K. SCHNEIDER
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3 SHERRY L. LEDAKIS, State Bar No. 131767
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9 Attorneys for Complainant

10 **BEFORE THE**
11 **BOARD OF REGISTERED NURSING**
12 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

13 In the Matter of the Accusation Against:

Case No. 2007-264

14 **CARRIE IRENE LAUTERBACH, aka**
15 **CARRIE IRENE MOORE**

ACCUSATION

15 2308 Via Platillo Street
Hayward, CA 94545

16 and

17 2308 Via Platillo Street
18 Carlsbad, CA 92009

19 Registered Nurse License No. 554919,

20 Respondent.

21 Complainant alleges:

22 **PARTIES**

23 1. Ruth Ann Terry, M.P.H., R.N. ("Complainant") brings this Accusation
24 solely in her official capacity as the Executive Officer of the Board of Registered Nursing,
25 Department of Consumer Affairs.

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2. On or about May 11, 1999, the Board of Registered Nursing ("Board") issued Registered Nurse License Number 554919 to Carrie Irene Lauterbach, also known as Carrie Irene Moore ("Respondent"). The license expired on October 31, 2006, and has not been renewed.

JURISDICTION

3. Section 2750 of the Business and Professions Code ("Code") provides:

Every certificate holder or licensee, including licensees holding temporary licenses, or licensees holding licenses placed in an inactive status, may be disciplined as provided in this article [Article 3 of the Nursing Practice Act (Bus. & Prof Code, § 2700 et seq.)]. As used in this article, 'license' includes certificate, registration, or any other authorization to engage in practice regulated by this chapter. The proceedings under this article shall be conducted in accordance with Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code [the Administrative Procedure Act], and the board shall have all the powers granted therein.

4. Code section 2764 provides:

The lapsing or suspension of a license by operation of law or by order or decision of the board or a court of law, or the voluntary surrender of a license by a licensee shall not deprive the board of jurisdiction to proceed with any investigation of or action or disciplinary proceeding against such license, or to render a decision suspending or revoking such license.

STATUTORY PROVISIONS

5. Code section 2761, provides, in pertinent part:

The board may take disciplinary action against a certified or licensed nurse or deny an application for a certificate or license for any of the following:

(a) Unprofessional conduct, which includes, but is not limited to, the following:

....

(f) Conviction of a felony or of any offense substantially related to the qualifications, functions, and duties of a registered nurse, in which event the record of the conviction shall be conclusive evidence thereof.

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6 Section 490 of the Code states:

A board may suspend or revoke a license on the ground that the licensee has been convicted of a crime, if the crime is substantially related to the qualifications, functions, or duties of the business or profession for which the license was issued. A conviction within the meaning of this section means a plea or verdict of guilty or a conviction following a plea of nolo contendere. Any action which a board is permitted to take following the establishment of a conviction may be taken when the time for appeal has elapsed, or the judgment of conviction has been affirmed on appeal, or when an order granting probation is made suspending the imposition of sentence, irrespective of a subsequent order under the provisions of Section 1203.4 of the Penal Code.

7 Section 493 of the Code states, in pertinent part:

Notwithstanding any other provision of law, in a proceeding conducted by a board within the department pursuant to law to deny an application for a license or to suspend or revoke a license or otherwise take disciplinary action against a person who holds a license, upon the ground that the applicant or the licensee has been convicted of a crime substantially related to the qualifications, functions, and duties of the licensee in question, the record of conviction of the crime shall be conclusive evidence of the fact that the conviction occurred, but only of that fact, and the board may inquire into the circumstances surrounding the commission of the crime in order to fix the degree of discipline or to determine if the conviction is substantially related to the qualifications, functions, and duties of the licensee in question. . . .

8. Code section 2762 provides, in pertinent part:

In addition to other acts constituting unprofessional conduct within the meaning of this chapter [the Nursing Practice Act], it is unprofessional conduct for a person licensed under this chapter to do any of the following:

(a) Obtain or possess in violation of law, or prescribe, or except as directed by a licensed physician and surgeon, dentist, or podiatrist administer to himself or herself, or furnish or administer to another, any controlled substance as defined in Division 10 (commencing with Section 11000) of the Health and Safety Code or any dangerous drug or dangerous device as defined in Section 4022.

....

(c) Be convicted of a criminal offense involving the prescription, consumption, or self-administration of any of the substances described in subdivisions (a) and (b) of this section, or the possession of, or falsification of a record pertaining to, the substances described in subdivision (a) of this section, in which event the record of the conviction is conclusive evidence thereof.

.....

(e) Falsify, or make grossly incorrect, grossly inconsistent, or unintelligible entries in any hospital, patient, or other record pertaining to the substances described in subdivision (a) of this section.

9. Code section 4022 provides:

"Dangerous drug" or "dangerous device" means any drug or device unsafe for self-use, except veterinary drugs that are labeled as such, and includes the following:

(a) Any drug that bears the legend: 'Caution: federal law prohibits dispensing without prescription,' 'Rx only,' or words of similar import.

(b) Any device that bears the statement: 'Caution: federal law restricts this device to sale by or on the order of a _____,' 'Rx only,' or words of similar import, the blank to be filled in with the designation of the practitioner licensed to use or order use of the device.

(c) Any other drug or device that by federal or state law can be lawfully dispensed only on prescription or furnished pursuant to Section 4006.

10. Code section 4060 provides:

No person shall possess any controlled substance, except that furnished to a person upon the prescription of a physician, dentist, podiatrist, optometrist, veterinarian, or naturopathic doctor pursuant to Section 3640.7, or furnished pursuant to a drug order issued by a certified nurse-midwife pursuant to Section 2746.51, a nurse practitioner pursuant to Section 2836.1, a physician assistant pursuant to Section 3502.1, a naturopathic doctor pursuant to Section 3640.5, or a pharmacist pursuant to either subparagraph (D) of paragraph (4) of, or clause (iv) of subparagraph (A) of paragraph (5) of, subdivision (a) of Section 4052. This section shall not apply to the possession of any controlled substance by a manufacturer, wholesaler, pharmacy, pharmacist, physician, podiatrist, dentist, optometrist, veterinarian, naturopathic doctor, certified nurse-midwife, nurse practitioner, or physician assistant, when in stock in containers correctly labeled with the name and address of the supplier or producer.

11. Health and Safety Code section 11173, subdivision (a), provides:

(a) No person shall obtain or attempt to obtain controlled substances, or procure or attempt to procure the administration of or prescription for controlled substances, (1) by fraud, deceit,

misrepresentation, or subterfuge; or (2) by the concealment of a material fact.

12. Health and Safety Code section 11368 provides:

Every person who forges or alters a prescription or who issues or utters an altered prescription, or who issues or utters a prescription bearing a forged or fictitious signature for any narcotic drug, or who obtains any narcotic drug by any forged, fictitious, or altered prescription, or who has in possession any narcotic drug secured by a forged, fictitious, or altered prescription, shall be punished by imprisonment in the county jail for not less than six months nor more than one year, or in the state prison.

13. Code section 125.3 provides that the Board may request the administrative law judge to direct a licensee found to have committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

REGULATORY PROVISIONS

14. California Code of Regulations, title 16, section 1444, states:

A conviction or act shall be considered to be substantially related to the qualifications, functions or duties of a registered nurse if to a substantial degree it evidences the present or potential unfitness of a registered nurse to practice in a manner consistent with the public health, safety, or welfare. Such convictions or acts shall include but not be limited to the following:

(a) Assaultive or abusive conduct including, but not limited to, those violations listed in subdivision (d) of Penal Code Section 11160.

(b) Failure to comply with any mandatory reporting requirements.

(c) Theft, dishonesty, fraud, or deceit.

(d) Any conviction or act subject to an order of registration pursuant to Section 290 of the Penal Code.

15. California Code of Regulations, title 16, section 1445, states:

(a) When considering the denial of a license under Section 480 of the code, the board, in evaluating the rehabilitation of the applicant and his/her present eligibility for a license will consider the following criteria:

(1) The nature and severity of the act(s) or crime(s) under consideration as grounds for denial.

(2) Evidence of any act(s) committed subsequent to the act(s) or crime(s) under consideration as grounds for denial which also could be considered as grounds for denial under Section 480 of the code.

(3) The time that has elapsed since commission of the act(s) or crime(s) referred to in subdivision (1) or (2).

(4) The extent to which the applicant has complied with any terms of parole, probation, restitution, or any other sanctions lawfully imposed against the applicant.

(5) Evidence, if any, of rehabilitation submitted by the applicant.

1 **DRUGS**

2 16. "Demerol" is a compound containing Meperidine Hydrochloride,
3 and is a Schedule II controlled substance pursuant to Health and Safety Code section 11055,
4 subdivision (c)(17), and a dangerous drug within the meaning of Code section 4022.

5 17. "Dilaudid" is a brand of hydromorphone, and is a Schedule II controlled
6 substance as designated by Health and Safety Code section 11055, subdivision (b)(1)(K), and
7 a dangerous drug within the meaning of Code section 4022.

8 **Scripps Memorial Hospital**

9 18. Respondent was employed at Scripps Memorial Hospital, located
10 in Encinitas, California, from on or about January 21, 2002, until on or about January 24, 2003.

11 19. During March 2002, Respondent began diverting Demerol. She
12 obtained Demerol by accessing Scripps Memorial Hospital's Pyxis¹ and diverting it for her
13 self-administration. She falsified patient Medication Administration Records (MARs) to reflect
14 that the substance had been administered to patients, or did not document the use of disposal of
15 the medication at all. Respondent resigned from Scripps Memorial Hospital on January 24,
16 2003, after being confronted with allegations concerning her diversion of controlled substances.

17 20. On or about April 18, 2003, Respondent was enrolled into the Board's
18 Drug Diversion Program. She was later terminated from diversion, as a public safety threat,
19 following her arrest for forgery of a prescription for a narcotic drug, possession of controlled
20 substances without a prescription, and burglary.

21 **FIRST CAUSE FOR DISCIPLINE**

22 (False, Grossly Incorrect, or Grossly Inconsistent Record Entries)

23 21. Respondent's license is subject to discipline for unprofessional conduct
24 under Code section 2761, subdivision (e), in that while employed at Scripps Memorial Hospital,

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1. Pyxis is a brand name for an automated medication dispensing and supply system manufactured by
27 Cardinal Health Company. A PIN access code is used to access controlled substances from the system which
28 automatically logs all transactions involving the removal of controlled substances, identifying the name of the
person accessing the system, the patient's name for whom the substances have been ordered, and the date, time,
and dosage being obtained.

Respondent made false, grossly incorrect, or grossly inconsistent entries in hospital, patient, or other records pertaining to controlled substances, as follows:

a. **Patient #1.**

1. On or about December 18, 2002, at approximately 0813 hours, Respondent obtained one 100mg. dose of Demerol for administration to Patient #1 from the Hospital's Pyxis. Thereafter, Respondent failed to document the administration of 25mg. of Demerol on the patient's MAR, or to otherwise account for 75mg. of Demerol.

2. On or about December 18, 2002, at approximately 1045 hours, Respondent obtained one 100mg. dose of Demerol for administration to Patient #1 from the Hospital's Pyxis. Thereafter, Respondent failed to document the administration of 50mg. of Demerol on the patient's MAR, or to otherwise account for 50mg. of Demerol.

b. **Patient #2.** Between January 1, 2003 at 1323 hours and January 2, 2003 at 1037 hours, Respondent obtained 275mg. of Demerol for administration to Patient #2 from the Hospital's Pyxis. Thereafter, Respondent failed to document the administration of 75mg. of Demerol on the patient's MAR, or to otherwise account for 75mg. of Demerol.

c. **Patient #3.** On or about January 1, 2003, at approximately 1359 hours, Respondent obtained one 100mg. dose of Demerol for administration to Patient #3 from the Hospital's Pyxis. Thereafter, Respondent failed to document or record the administration of 75mg. of Demerol on the patient's MAR, or to otherwise account for 75mg. of Demerol.

d. **Patient #4.**

1. On or about December 2, 2002, at approximately 0928 hours, Respondent obtained on 50mg. dose of Demerol for administration to Patient #4 from the Hospital's Pyxis. Thereafter, Respondent failed to document the administration of 25mg. of Demerol on the patient's MAR, or to otherwise account for 25mg. of Demerol.

2. On or about December 4, 2002, at approximately 1233 hours, Respondent obtained on 50mg. of Demerol for administration to Patient #4 from the Hospital's Pyxis. Thereafter, Respondent failed to document the administration of 25mg. of Demerol on the patient's MAR, or to otherwise account for 25mg. of Demerol.

1 3. On or about December 4, 2002, at approximately 1521 hours,
2 Respondent obtained a 50mg. dose of Demerol for administration to Patient #4 from the
3 Hospital's Pyxis. Thereafter, Respondent failed to document the administration of 25mg. of
4 Demerol on the patient's MAR, or to otherwise account for 25mg. of Demerol.

5 4. On or about December 5, 2002, at approximately 0800 hours,
6 Respondent obtained one 50mg. dose of Demerol for administration to Patient #4 from the
7 Hospital's Pyxis. Thereafter, Respondent failed to document the administration of 50mg. of
8 Demerol on the patient's MAR, or to otherwise account for 50mg. of Demerol.

9 5. On or about December 6, 2002, at approximately 1119
10 hours, Respondent obtained one 50mg. dose of Demerol for administration to Patient #4 from the
11 Hospital's Pyxis. Thereafter, Respondent failed to document or record the administration of
12 25mg. of Demerol of the patient's MAR, or to otherwise account for 25mg. of Demerol.

13 e. **Patient #5.** On or about December 20, 2002, at approximately 0814
14 hours, Respondent obtained one 50mg. dose of Demerol for administration to Patient #5 from the
15 Hospital's Pyxis. Thereafter, Respondent failed to document or record the administration of
16 50mg. of Demerol on the patient's MAR, or to otherwise account for 50mg. of Demerol.

17 f. **Patient #6.**

18 1. On or about December 11, 2002, at approximately 1105
19 hours, Respondent obtained two 2mg. doses of Dilaudid for administration to Patient #6 from the
20 Hospital's Pyxis. Thereafter, Respondent failed to document the administration of 1mg. of
21 Dilaudid on the patient's MAR, or to otherwise account for 1mg. of Dilaudid.

22 2. On or about December 11, 2002, at approximately 1355 hours,
23 Respondent obtained one 2mg. dose of Dilaudid for administration to Patient #6 from the
24 Hospital's Pyxis. Thereafter, Respondent failed to document the administration of 2mg. of
25 Dilaudid on the patient's MAR, or to otherwise account for 2mg. of Dilaudid.

26 3. On or about December 11, 2002, at approximately 1356 hours,
27 Respondent obtained one 2mg. dose of Dilaudid for administration to Patient #6 from the

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1 Hospital's Pyxis. Thereafter, Respondent failed to document or record the administration of 1mg.
2 of Dilaudid, or to otherwise account for 1mg. of Dilaudid.

3 **SECOND CAUSE FOR DISCIPLINE**

4 (Wrongfully Obtaining, Possessing and Self-Administering Controlled Substances)

5 22. Respondent's license is subject to discipline for unprofessional conduct
6 under Code section 2762, subdivision (a), for the commission of the following acts:

7 a. **Wrongfully Obtaining Controlled Substances.**

8 1. As set forth under paragraphs 18 and 19, above, Respondent obtained
9 or attempted to obtain controlled substances, by fraud, deceit, misrepresentation
10 or subterfuge, in violation of Health and Safety Code section 11173, subdivision (a)(1).

11 2. As set forth under paragraphs 18 and 19, above, Respondent wrongfully
12 obtained narcotic drugs by a forged, fictitious, and altered prescription, in violation
13 of Health and Safety Code section 11368.

14 b. **Wrongfully Possessing Controlled Substances.** On multiple
15 occasions from March 2002, until on or about January 2, 2003, while employed at Scripps
16 Memorial Hospital, Respondent possessed Demerol, a controlled substance, without the written
17 prescription of a physician, dentist, podiatrist, optometrist, veterinarian, or naturopathic doctor
18 licensed to practice in this state, in violation of Code section 4060.

19 c. **Wrongfully Self-Administering Controlled Substances.** On multiple
20 occasions from March 2002, until on or about January 2, 2003, while employed at Scripps
21 Memorial Hospital, Respondent self-administered Demerol, a controlled substance, without the
22 written prescription of a physician, dentist, podiatrist, or veterinarian licensed to practice in this
23 state.

24 **THIRD CAUSE FOR DISCIPLINE**

25 (10/19/04 Conviction of Crime)

26 23. Respondent's license is subject to discipline under Code sections 2761,
27 subdivision (f) and 490, in that Respondent was convicted of a crime substantially related to the

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1 qualifications, functions or duties of a registered nurse within the meaning of California
2 Code of Regulations, title 16, section 1444, as follows:

3 On or about October 19, 2004, in the case entitled, "*The People v.*
4 *Carrie Irene Lauterbach*" (Super. Ct. San Diego County, 2004 No. SCN184568), Respondent
5 was convicted by the court upon a plea of guilty to one count of violating Health and Safety Code
6 section 11368 (obtaining a narcotic drug by a forged prescription), both felonies. As set forth in
7 the felony complaint, the circumstances of the convictions are that on or about September 20,
8 2004, Respondent unlawfully obtained a narcotic drug by a forged, fictitious, and altered
9 prescription. Initially, the court ordered deferred entry of judgment to allow respondent to enroll
10 and complete a drug diversion program. Respondent was not successful in completion of
11 diversion. On or about June 13, 2006, the court imposed sentence upon respondent, including
12 formal probation, with terms and conditions, including drug terms.

13 **FOURTH CAUSE FOR DISCIPLINE**

14 (7/12/06 Conviction of Crime)

15 24. Respondent's license is subject to discipline under Code sections 2761,
16 subdivision (f) and 490, in that Respondent was convicted of a crime substantially related to the
17 qualifications, functions or duties of a registered nurse within the meaning of California
18 Code of Regulations, title 16, section 1444, as follows:

19 On or about July 12, 2006, in the case entitled, "*People v. Carrie*
20 *Irene Lauterbach*" (Super. Ct. San Diego County, 2006, No. M992011), Respondent was
21 convicted by the court upon a plea of guilty to violating Health and Safety Code section 11173,
22 subdivision (a)(1) (obtaining or attempting to obtain a controlled substance, by fraud, deceit,
23 misrepresentation or subterfuge), and Penal Code section 602 (k) (trespass with intent to injure),
24 both misdemeanors. The circumstances of the crime are that respondent was arrested on
25 February 15, 2006 in the City of San Diego after attempting to obtain prescription drugs using a
26 false prescription. Respondent's sentence included three years probation with drug conditions.

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1 **FIFTH CAUSE FOR DISCIPLINE**

2 (Conviction of a Criminal Offense Involving Prescription of a Controlled Substance)


3 25. Respondent's license is subject to discipline for unprofessional conduct
4 under Code section 2762, subdivision (c), in that, as set forth in the two preceding Causes for
5 Discipline, above, in that Respondent was convicted of crimes involving the prescription,
6 consumption, self-administration, and falsification of a record pertaining to controlled
7 substances.

8 **PRAYER**

9 **WHEREFORE**, Complainant requests that a hearing be held on the matters
10 herein alleged, and that following the hearing the Board issue a decision:

- 11 1. Revoking or suspending Registered Nurse License Number 554919,
12 issued to Carrie Irene Lauterbach, also known as Carrie Irene Moore;
13 2. Ordering Carrie Irene Lauterbach, also known as Carrie Irene Moore to
14 pay the reasonable costs incurred by the Board in the investigation and enforcement of this case
15 pursuant to Code section 125.3; and,
16 3. Taking such other and further action as deemed necessary and proper.

17
18 **DATED:** 4/10/07

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21 
22 RUTH ANN TERRY, M.P.H., R.N.
23 Executive Officer
24 Board of Registered Nursing
25 Department of Consumer Affairs
26 State of California
27 Complainant
28